

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

INFORMATION PROTECTION AND  
AUTHENTICATION OF WEST VIRGINIA,  
LLC,

Plaintiff,

v. // CIVIL ACTION NO. 1:09CV76  
(Judge Keeley)

MCAFEE, INC.,

Defendant.

INFORMATION PROTECTION AND  
AUTHENTICATION OF WEST VIRGINIA,  
LLC,

Counter Defendant

**FIRST ORDER AND NOTICE REGARDING DISCOVERY AND SCHEDULING**

Pursuant to Fed.R.Civ.P. 16(b) and 26(f) and Local Rules of  
Civil Procedure ("LR") 16.01 and 26.01, the Court **ORDERS** that:

INITIAL PLANNING MEETING:	October 5, 2009
REPORT FILING DATE:	October 19, 2009
SCHEDULING CONFERENCE DATE:	November 9, 2009
SCHEDULING CONFERENCE TIME:	4:30 P.M.
INITIAL DISCOVERY DISCLOSURES DUE DATE:	November 5, 2009

1. **INITIAL PLANNING MEETING**: Pursuant to Fed.R.Civ.P. 16 and 26(f) and LR 16.01(b), parties to this action shall meet in person or by telephone on or before **October 5, 2009**. At this meeting, the parties shall discuss all matters required by Fed.R.Civ.P. 16 and 26(f) and LR 16.01(b). The parties shall also consider the benefits

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of early mediation and advise the Court in their report whether they wish the Court to schedule the matter for early mediation.

2. **MEETING REPORT AND PROPOSED DISCOVERY PLAN**: Pursuant to Fed.R.Civ.P. 26(f) and LR 16.01(c), the parties shall submit to this Court a written report on the results of the initial discovery meeting on or before **October 19, 2009**. This report shall include the parties' report on those matters set forth in LR 16.01(b) and (c) and the parties' discovery plan as required by Fed.R.Civ.P. 26(f). The parties may refer to Form 52 of the Federal Rules of Civil Procedure for an example of a report on a planning meeting. However, the parties should be certain to supplement Form 52 with LR 16.01(b) and (c) disclosures. The parties' report on their meeting shall be considered by this Court as advisory only. Parties and counsel are subject to sanctions as set forth in LR 37.01 for failure to participate in good faith in the development and submission of a meeting report and proposed discovery plan.

3. **SCHEDULING CONFERENCE/SCHEDULING ORDER**: Upon receipt of the meeting report and proposed discovery plan, this Court **WILL CONDUCT** a scheduling conference at the **Clarksburg, West Virginia** point of holding court on **November 9, 2009 at 4:30 P.M.** See

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Fed.R.Civ.P. 16(b) and LR 16.01(d). (Please note that the Court conducts scheduling conferences in all cases.) Counsel may request the Court to conduct the scheduling conference by telephone. If the scheduling conference is to be by telephone, the Court directs lead counsel for the plaintiff to initiate the conference call, which shall include all parties wishing to participate by phone. The Court notifies the parties that any pending motions in the case that are fully briefed **WILL BE ADDRESSED** at the scheduling conference.

4. **INITIAL DISCOVERY DISCLOSURES**: Pursuant to LR 26.01(a), each party shall provide to every other party the initial discovery disclosures required under Fed.R.Civ.P. 26(a)(1) on or before **November 5, 2009**.

The Court directs the Clerk to transmit copies of this Order to counsel of record.

DATED: August 27, 2009.

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE